

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Myron Wyche (Reg. No. 47341) on February 17, 2009.

The application has been amended as follows:

- - 1. (currently amended) A rotary screw machine of volume type comprising:

a body having a main axis X;

two members further comprising:

a male member; and

a female member surrounding said male member,

wherein an outer surface of the male member defines a male surface and an inner surface of the female member defines a female surface,

said male and female surfaces being helical surfaces having respective axes X_m and X_f that are parallel and spaced apart by a length E,

said male and female surfaces defining at least one working chamber by formation of linear contacts of said male and female surfaces and relative displacement of said male and female members,

said male and female surfaces being further defined about said axes X_m and X_f , respectively, by a nominal profile in a cross section of the mechanism,

said profile of the male surface defining a male profile having an order of symmetry N_m with respect to a center O_m located on said male axis X_m ,

said profile of the female surface defining a female profile having an order of symmetry N_f with respect to a center O_f located on said female axis X_f ,

said rotary screw machine further having a main synchronizing coupling comprising a crank like mechanism generating an eccentricity **defined by said length** E between said main axis X and one of the axes (X_m , X_f),

in that a first one of said male member and said female member is hinged in said body and is able to rotate on itself about its fixed axis (X_m ; X_f) according to a rotational motion,

in that the crank like mechanism {32} further comprises:

a first shaft like end {32'}; and

a second shaft like end {32''} hinged in the body {30} parallel to the first shaft like end {32'} with said length E between the first shaft like end and the second shaft like end,

in that said crank like mechanism is connected to the other of said male member or said female member not hinged in said body to allow the axis (X_f ; X_m) of said other of said male member or said female member to revolve about the fixed axis (X_m ; X_f) of said first one of said male member and said female member according to an orbital revolution motion having said length E as a radius, and

in that said rotary screw machine comprises a main synchronizer synchronizing said swiveling motion and said orbital revolution motion, one with respect to the other, so that said male and female mesh together. - -

Claim 2 "organ" has been changed to - - like mechanism - -.

Claim 7 "organ" has been changed to - - like mechanism - -.

Claim 8 "at least one coupling organ" has been changed to - - at least one of said crank like mechanism - -.

Claims 3, 8-11, 13-14, and 16 have been rejoined, and therefore, they are no longer withdrawn.

Claims 12 and 18-22 have been canceled.

Election/Restrictions

Claims 1-11 and 13-17 are allowable. The restriction requirement among the species/subspecies of Figures 1-2, the species/subspecies of Figures 3-4, the species/subspecies of Figures 5-6, the species/subspecies of Figures 7-8, the species/subspecies of Figures 9-10, the species/subspecies of Figures 11-12 (elected for examination), the species/subspecies of Figures 13-14, the species/subspecies of Figures 15-16, the species/subspecies of Figures 17-18, the species/subspecies of Figure 19, and the species/subspecies of Figure 20, as set forth in the Office action mailed on September 24, 2007, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 3, 8-11, 13-14, and 16, directed to the species/sub-

species of Figures 1-2, the species/sub-species of Figures 3-4, the species/sub-species of Figures 9-10, the species/sub-species of Figures 15-16, the species/sub-species of Figures 17-18, and the species/sub-species of Figure 20 are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. However, claims 12 and 18-22, directed to the species/sub-species of Figures 5-6, the species/sub-species of Figures 7-8, the species/sub-species of Figures 13-14, and the species/sub-species of Figure 19 have been canceled by the Examiner's Amendment above and are removed from consideration because they do not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY A. DAVIS whose telephone number is (571)272-9965. The examiner can normally be reached on Monday thru Thursday; 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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